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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/709,830

06/01/2004

Daniel C. Fosbinder

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33647

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01/10/2007

ZIOLKOWSKI PATENT SOLUTIONS GROUP, SC (ITW)

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PORT WASHINGTON, WI 53074

EXAMINER

SHAW, CLIFFORD C

ART UNIT

PAPER NUMBER

1725

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/10/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/709,830

Applicant(s)

FOSBINDER ET AL.

Examiner

Clifford C. Shaw

Art Unit

1725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1.) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2.) Claims 1-5, 7-24, and 26-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jordan (6,172,428, newly cited) taken with Hoyt, Jr. et al. (4,465,920). Figures 2-5 and the discussion at columns 10-25 in the patent to Jordan (6,172,428) disclose an engine driven power converter with features claimed, including: display unit with plural displays as shown in figures 4 and 5; arrangements providing feedback from the engine and power converter at element 102 in figure 2; a mode button controlling the display at element 410 in figures 4 and 5; an hour meter at element 301 in figure 3; and error codes at element 406 in figure 4. The claims differ from Jordan (6,172,428) in calling for a welding type power supply and in calling for displaying

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receptacle data in claims 11 and 17. These differences do not patentably distinguish over the prior art. At the time applicant's invention was made, it would have been obvious to have used the monitoring arrangement of Jordan (6,172,428) in conjunction with any well known engine/power converter system. In particular, it would have been obvious to have used this monitoring arrangement in conjunction with a welding power supply as claimed, the motivation being the teaching of Hoyt, Jr. et al. (4,465,920) that welding power can be provided by an engine generator arrangement (see figure 1 and columns 1-2 in Hoyt, Jr. et al. (4,465,920)). In regard to claims 11 and 17, it would have been obvious to have included data feedback related to an auxiliary power source in the system of Jordan (6,172,428), the motivation being the teachings of Hoyt, Jr. et al. (4,465,920) that such is useful in an engine, power converter arrangement (see element 36 in figure 3 and column 4, lines 27-41 in the patent to Hoyt, Jr. et al. (4,465,920)).

3.) Claims 6 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jordan (6,172,428) taken with Hoyt, Jr. et al. (4,465,920) as applied to claims 1-5, 7-24, and 26-31 above, and further in view of Hoffman et al. (5,453,939). The only aspect of the claims to which the rejection above does not apply is the provision for storage of data related to the unit being monitored. This difference does not patentably distinguish over the prior art. At the time applicant's invention was made, it would have been obvious to have provided the combination with such data, the motivation being the teachings of Hoffman et al. (5,453,939) that it is useful to use machine identification data in conjunction with monitoring the machine (see figure 3, element 42 and the discussion in column 5 in the patent to Hoffman et al. (5,453,939)).

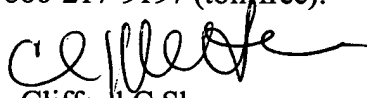
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4.) Applicant's arguments in his amendment filed on 10/27/2006 have been given careful consideration, but are not persuasive of patentability in view of the new grounds of rejection above.

Any inquiry concerning this communication should be directed to Clifford C Shaw at telephone number 571-272-1182. The examiner can normally be reached on Monday through Friday of the first week of the pay period and on Tuesday through Friday of the second week of the pay period.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Patrick J. Ryan, can be reached at 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Clifford C Shaw
Primary Examiner
Art Unit 1725

January 5, 2007